

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CRIMINAL NO. *04-10010-PBS*
)
) VIOLATION:
V.) 18 U.S.C. §2422(b)
) Attempted Coercion and Enticement
) 18 U.S.C. §2252(a)(2)
MATTHEW DWINELLS) Receipt of Child Pornography
) 18 U.S.C. §2252(a)(4)(B)
) Possession of Child Pornography
)

INDICTMENT

COUNT ONE: 18 U.S.C. §2422(b)- Attempted Coercion and Enticement

The Grand Jury charges that:

Between on or about July 14, 2002, and September 8, 2002, at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "Couchchild," to engage in sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 265, Section 23, which makes it a crime to engage in sexual intercourse with a child under the age of 16, and Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section 2422 (b) .

COUNT TWO: 18 U.S.C. §2422(b)- Attempted Coercion and Enticement

The Grand Jury further charges that:

Between on or about September 27, 2002, and January 10, 2003, at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "Ashley12988," to engage in sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 265, Section 23, which makes it a crime to engage in sexual intercourse with a child under the age of 16, and Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE: 18 U.S.C. §2422(b) - Attempted Coercion and Enticement

The Grand Jury further charges that:

Between on or about April 26, 2002, and January 28, 2003, at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce any individual who had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "Maria011788," to engage in any sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 265, Section 23, which makes it a crime to engage in sexual intercourse with a child under the age of 16, and Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT FOUR: 18 U.S.C. §2252(a)(2) - Receipt of Child Pornography

The Grand Jury further charges that:

Between on or about April 21, 2001, and September 4, 2001,
at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, did knowingly receive visual depictions
that had been mailed, shipped and transported in interstate or
foreign commerce, by any means including by computer, the
production of such visual depictions having involved the use of
minors engaging in sexually explicit conduct, as defined in Title
18, United States Code, Section 2256(2), and such depictions
being of such conduct, that is, "!!!!!!\$.jpg", "10 hel-suc-
s.mpeg", "zzzzzHel-lo30.jpg", "untitled99.jpg", "untitled998.jpg"
and "07HELG~1.mpg".

All in violation of Title 18, United States Code, Section
2252(a)(2).

COUNT FIVE: 18 U.S.C. §2252(a)(4)(B) - Possession of Child Pornography

The Grand Jury further charges that:

On or about March 19, 2003, at Lawrence, in the District of Massachusetts,

MATTHEW DWINELLS,

defendant herein, did knowingly possess one or more matters containing visual depictions that had been mailed, and shipped and transported in interstate or foreign commerce and which were produced using materials that were shipped or transported in interstate and foreign commerce, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct, that is, "ynggirlwithcock4.jpg", "young%20bj1.jpg", "action0277.jpg", "me+lara.jpg" and "mom_son_daughter fuck3 (2)(1).jpg".

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION

18 U.S.C. § 2253(a) - Criminal Forfeiture

1. The allegations of Counts Four and Five of this Indictment are hereby repeated and incorporated herein by reference for the purpose of alleging forfeiture to the United States under Title 18, United States Code, Section 2253(a).

2. Upon conviction on any of Counts Four and Five hereof, the defendant MATTHEW DWINELLS shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of Title 18, United States Code, Section 2252; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, including the computer system and related items that were seized by law enforcement officials from his residence on March 19, 2003, including:

1. Premio computer containing Seagate hard drive (4.311 MB) model s34313A, serial number 6CR0FLGT;
2. Computer Data Storage Media.

All pursuant to Title 18, United States Code, Section 2253(a).

A TRUE BILL

Edward Murphy 1/14/04
FOREPERSON OF THE GRAND JURY

Jane L. Cotto.
Trial Attorney

DISTRICT OF MASSACHUSETTS; January 14, 2004

Returned into the District Court by the Grand Jurors and filed.

Gina Affa
DEPUTY CLERK
1-14-04 at 1:00 PM